

IN THE SENATE OF THE UNITED STATES.

MARCH 23, 1880.—Ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany S. Res. 96.]

The Committee on Naval Affairs, to whom was referred the petition of Stephen A. McCarty, late lieutenant-commander, United States Navy, praying the passage of a law authorizing the President to restore him to his former position in the Navy, have duly examined and considered the same, and beg leave to make the following report :

This petition was before the Committee on Naval Affairs at the last Congress and they reported upon it adversely. This action your committee now think was not fully warranted by the facts of the case as they appear of record. On account of the great amount of business at the closing hours of the session the action of the committee was necessarily hasty, as is apparent from the fact that no printed statement accompanied the report at that time, and therefore the grounds upon which the adverse report was based do not appear. The case, in the opinion of this committee, is one which commends itself to the justice and leniency of Congress.

The petitioner, Stephen A. McCarty, is a citizen and resident of Pulaski, Oswego County, N. Y., and is about thirty-nine years of age. He entered the United States Navy as a midshipman in 1856. In 1862 he was promoted to a lieutenancy, and in 1866 was appointed a lieutenant-commander. He held this commission until 1874, at which time he had been in the service eighteen years, and, until within a brief period before, had discharged and fulfilled, to the entire satisfaction of the department and the officers in immediate command, every official duty and requirement of his position. Unfortunately, while he was attached to the United States steamer Powhatan, he was said to have been under the influence of liquor on several occasions, for which offense he was tried by a court-martial and found guilty; but the members of the court, however, recommended him to the clemency of the Secretary, with but one exception, and in deference to that recommendation the sentence was remitted by the Secretary of the Navy.

Some months later he again took to drinking and charges were again preferred against him, pending the trial of which he resigned his commission. He gave his reasons for this action in a letter to the Secretary of the Navy, dated January 13, 1879, as follows :

I resigned while a charge of intoxication was pending against me, and, although I was confident then, as I am now, that the specific charge alleged could not be sustained, still I was by that circumstance brought to face my actual condition. Fully

realizing that the intemperate habits which I frankly and with deep regret confess I had contracted rendered me liable to similar difficulties sooner or later, I believed it to be of paramount importance to my future welfare to reform absolutely, and that I could more effectually and thoroughly accomplish this by leaving the Navy. My sole motive in resigning was to make myself more fit to hold my position, with a view of asking for restoration to the service when the temporary physical and mental disability had been removed.

Although the cause which led to his resignation is very much deprecated by your committee, still it does not appear from the records that he grossly neglected his duty, or that any palpable injury resulted to the service therefrom. When his eighteen years of faithful and efficient service in the Navy are taken into consideration—having served through all the dangers of the late war, taking part in the principal engagements of Admiral Farragut's fleet, and being wounded at the battle of Mobile—and the fact that up to two years of his resigning no report or complaint was ever made against him or to his discredit, your committee cannot but feel inclined to overlook the unfortunate circumstance of his drinking (which after all seems to have been with him more of a misfortune than an inveterate habit or fault), particularly as he has since his resignation entirely and completely reformed. This fact is borne out by the following testimonial from citizens of the town in which Mr. McCarty resides:

To the Senate and House of Representatives of the United States:

The petition of the undersigned citizens, inhabitants of the county of Oswego, New York, respectfully represents:

That they are personally acquainted with Stephen A. McCarty, late a lieutenant-commander in the United States Navy, who for the last few years has been a resident of Pulaski, in the said county; that during the time of his residence here, for the last two years or more, his character and conduct in every respect have been correct and exemplary, and particularly in respect to his sobriety and firmness in habits of temperance. In view of his education and training in the Navy and his services as an officer, and his entire freedom and emancipation from the unfortunate circumstances which induced his withdrawal, we earnestly recommend his restoration to the position for which he is so well fitted by education, training, and experience. We ask, therefore, that such act or resolution may be passed as will authorize his restoration to the service, for which he is so well qualified and competent in every respect.

Pulaski, Oswego County, New York, January, 1879.

W. B. DIXON,
Supervisor of the Town of Richland.
FRANK S. LORD, M. D.,
Late Sheriff of Oswego County.
D. A. KING,
Attorney and Counselor at Law.
JAMES M. FENTON,
Justice of the Peace.
JNO. B. WATSON,
Justice of the Peace.
NATHAN B. SMITH,
Attorney and Counselor at Law.
SEBASTIAN DUFFY,
Principal of Pulaski Academy.
L. R. MUZZY,
Editor and Proprietor Pulaski Democrat.
M. B. COMFORT,
Pastor Baptist Church, Pulaski.
ROBERT PAUL,
Rector of Saint James Church, Pulaski.

I personally know each and every the gentlemen whose names are signed hereto (on this half sheet), and have for many years, and vouch for the high standing and respectability of each and every one of such signers. I unite with them in recommending that Mr. McCarty be reinstated in the Navy.

W. H. BAKER.

The following two letters, from his superior officers, show his conduct while under their immediate command:

COMMANDANT'S OFFICE,
UNITED STATES NAVY-YARD, LEAGUE ISLAND, PA.,
December 17, 1878.

DEAR SIR: I received your note of 10th instant, and am glad to hear from you and that you have entirely reformed, and that for nearly three years you have been strictly temperate; and so long as you adhere to strictly temperate habits, you will triumph over the only barrier that I know of to your success in life.

Aside from this objection, during the time you were under my command, on board the United States steamer Powhatan, I found you to be a very capable and useful officer. I am always glad to give a helping hand to deserving people; to encourage those who are determined to do right; and you have my earnest wishes for your success and prosperity.

Very respectfully, yours,

PEIRCE CROSBY.

S. A. McCARTY,
Washington, D. C.

UNITED STATES NAVY-YARD, WASHINGTON,
COMMANDANT'S OFFICE,
December 6, 1878.

SIR: In reply to your verbal request, I have the pleasure of stating that while under my command as navigating officer of the United States steamer Shenandoah your conduct in every respect as officer and gentleman was such as to merit my approbation.

Very respectfully, your obedient servant,

JNO. C. FEBIGER,
Commodore United States Navy.

Mr. S. A. McCARTY.

The Secretary of the Navy, in answer to a letter written to him by the former chairman of this committee, made the following reply, which gives a full history of the case:

NAVY DEPARTMENT,
Washington, January 13, 1879.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, inclosing the memorial of Stephen A. McCarty for the passage of an act or joint resolution authorizing the President to restore him to his position of lieutenant-commander in the Navy, and asking that the Naval Committee, to which the memorial has been referred, may be furnished with such information and the cause of his leaving the naval service as the records of the department contain; also with any recommendation I may think proper to make.

Stephen A. McCarty entered the Navy as a midshipman September 25, 1856; was promoted to a lieutenant August 1, 1862, and to a lieutenant-commander August 9, 1866, and resigned November 7, 1874.

He was in the Navy upwards of eighteen years; was at sea over ten years of that time; was on shore duty about three years, and on leave or waiting orders about five years.

So far as the records show, his service was well performed and his general conduct and deportment good, until about September, 1872, when, while attached to the United States ship Powhatan, he was reported to have been under the influence of liquor on three or four separate occasions within a short period. Charges were preferred, and he was tried by court-martial, September 30, 1872. The court found him guilty, but all the members, with a single exception, recommended him to clemency.

The Secretary of the Navy, on the 24th of February, 1873, remitted the sentence, writing to him as follows:

"The members of the court by which you were tried, with one exception, unite in earnestly recommending you to clemency, on the ground that the misconduct which has placed you in your present position was a 'temporary aberration from the very high professional reputation you have heretofore borne.' You were guilty of grave infractions of discipline, but the recommendation of the members of the court, themselves officers of experience and high professional reputation, is entitled to great weight, and the department would with the utmost reluctance, for a first offense, and that involving no grave moral turpitude, deprive an officer of a high professional reputation of the fruits of years of uniformly good and exemplary conduct. I have concluded, therefore, to yield to the recommendation in your behalf and remit the sentence of the court."

In November, 1874, the commander-in-chief of the North Atlantic Station preferred charges against Lieutenant-Commander McCarty, then executive officer of the *Canandaigua*, of drunkenness and neglect of duty, and brought him before a court-martial for trial. The department finds from the record of these charges that, while the ship was at anchor at New Orleans, he became so much under the influence of liquor as to be unfit for the performance of his duty, and not in a fit condition to receive the commanding officer of the vessel on his return to the ship. After the court was organized and were about to proceed in the trial, Lieutenant-Commander McCarty tendered his resignation; and the commander-in-chief stating that he saw no objection to its acceptance, it was accepted, and his connection with the service ceased.

There appears to have been nothing else that would have interfered with the further usefulness and future successful career of Lieutenant-Commander McCarty than his occasional overindulgence in intoxicating liquors, and these instances were only during the last two years of his service in the Navy. His reputation prior to that time was good for sobriety and for efficient and faithful discharge of duty. He possesses many traits of character which commend him to those in and out of the service.

He now presents and places on file statements from citizens of high character and standing—associates and neighbors who have observed his conduct—as to his complete reformation, and that he has abstained from the use of any intoxicating liquors for two or three years past.

He feels deeply the loss of a position which he had reached after so many years of faithful service, and is anxious to have the opportunity of proving himself as worthy of further trust and confidence.

Under all the circumstances, the department thinks that the prayer of the petitioner for relief might be granted. But in view of the claims of others in the service, and upon the principle that an officer who has sacrificed his position and rank by his own misconduct should not have them fully restored by legislation, I would suggest that the President be authorized to nominate and, by and with the advice and consent of the Senate, appoint him a lieutenant-commander in the Navy, but to take present position at the foot of the list of officers of that grade. He was No. 19 on the list of lieutenant-commanders when he resigned, and would have been about seventeen numbers from the foot of the list of commanders had he continued in service.

I am, sir, very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. A. A. SARGENT,
*Chairman of the Committee on Naval Affairs,
United States Senate, Washington, D. C.*

Your committee, therefore, taking all the attendant circumstances into consideration, his previous good reputation, his long and honorable career in the United States Navy, and his subsequent total reformation and good behavior, attested by his neighbors and fellow-citizens, concur in the recommendation of the Secretary of the Navy, and beg leave to report a joint resolution authorizing his reappointment as lieutenant-commander in the Navy, to take present position at the foot of the list of officers of that grade.

A JOINT RESOLUTION authorizing the President of the United States to reappoint Stephen A. McCarty a lieutenant-commander in the Navy.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to reappoint Stephen A. McCarty a lieutenant-commander in the Navy of the United States, to take present position at the foot of the list of officers of that grade.